



410.019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : L. Di Nola-Baton
L. HEUX et al :
Serial No.: 10/018,326 : Group: 1615
Filed: December 10, 2001 :
For: MICROFIBRILLATED...SOLVENT :

475 Park Avenue South
New York, N.Y. 10016
August 2, 2004

PETITION TO WITHDRAW NOTICE OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Express Mail, Mailing Label
Date of Deposit: Aug 4, 2004
I hereby certify that the enclosed is a true and correct copy of the Notice of Abandonment dated November 4, 2003, and that the same is being delivered to the Addressee by the United States Postal Service, First Class, Registered Mail, Return Receipt requested, service on 8/27/04 1:10 PM, as indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Sir:

Applicants in the above application ask that the Notice of Abandonment dated July 6, 2004 be withdrawn since the Applicants never received the office action of November 4, 2003.

Applicants had not received any response to their status letter of November 27, 2002 and the undersigned attorney was following up by telephone with the Examiner handling the application in May of 2003 and was informed that she would not act on the application for another three months. Another follow up with the Examiner near the end of September of 2003 resulted in the Examiner indicating that it would be another month or two before she reached the same. The undersigned followed up in June of 2004 with the Patent Office and was informed that the Examiner who had been handling the application had left the Patent Office and that an office action on November 4, 2003 had

been issued. The same was never received by the undersigned's law firm as can be seen from the copies of the pages in early November 2003 of their log book submitted herewith.

The undersigned informed the Patent Office that the November 4, 2003 office action had never been received and requested the Patent Office to telefax a copy of the said office action which was effected by Carols A. Azpuru on June 28, 2004 at which time, the office action was immediately forwarded to the client and a draft response was submitted to the client on June 30, 2004. The present petition and amendment were prepared and filed. Therefore, under these circumstances, it is requested that the application be reinstated since Applicants never received the office action and could not timely respond thereto. Moreover, Applicants were diligent in following up with the Patent Office concerning the same. PTO Form-2038 is enclosed herewith authorizing the \$130.00 petition fee.

Respectfully submitted,
Muserlian, Lucas and Mercanti



Charles A. Muserlian, 19,683
Attorney for Applicants
Tel.# (212) 661-8000

CAM:ds
Enclosures

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188.542 updated FR
523.1023 -PCT Not Record. change
Su2-22 New-Capliant Aust
RWH-329 3 Assign
302.113 7 1/2 pd
302.109 7 1/2 pd
302.099-DIV 7 1/2 pd
219.1003 Not of Pub.
KEN-1807 FR
427.076 FR + accept-
428.1010-DIV Corrected FR
TSu-37 Corrected FR
454.002 updated FR
Sum-25 abandoned
Liberty Brands abandoned
Nov. 5, 03
G-LA-53-DIV-1 adv action
427.053 IF
213.1077-CRNL Not of transmittal
Su2-28 Assign.
SWS-200A Patent
JES-2 Pub.
Nov. 6, 03



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TSU-35-DIV-2

209, 1001

267, 166

428, 1029

KON-1766

KON-1781

KON-1786

KON-178X

WAS-X9

310, 1034

188, 537

146, 1391

188, 515

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213, 1123-PCT

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213, 1147-U

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KON-1732

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BDL-53 OA 30
KON-1711 Patent
213 1171 FR updated
KON-1803 OA
428 1017 OA
146 1373 ad/adaction
368 105 IF
146 1346 - RE OA

Nov 10, 03
KON-1793 OF
BRK-1 OA
KON-1800 OA
410 016 OA
0209 1003 Incomplete
Liberty Bonds abandoned
0123 1005 Payment of fees
KON-1796 assign
802-29 assign
428 1030 } Replace FR
188 346 } Not. of acceptance
Car. of Ref.

Nov 11, 03
707 1003 - Ref Not re PD

Nov. 12, 03

102.174 OA

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Nov. 13, 03

456.001 OA

Nov. 14, 03

427.071

Revised Pub.

522.1222

Publication

KON-1790

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tem-55A-1

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CUC-47

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188.479

Patent

GEI-097

Revised Pub.

302.135

Revised Pub.

446.027

FR + accept.

Nov. 17, 03

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428.1035

LIP-3

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CUC-TM-79

267.159-DIV

KON-1809

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KON-1704

SW-TM-145

KON-1810

708.1002-PCT

427.025-1-DIV-1

RUTH-284

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KON-1808

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Existed offices

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